MR. SPEAKER : No. There is an objection at the introduction stage. I have received a notice of objection from an hon. Member to the introduction of this Bill. It will take time. So, we will do it after lunch. Now the House stands adjourned for lunch till 2.25 p.m.

13.24 hrs.

The Lok Sabha then adjourned for Lunch till Twenty Five Minutes past Fourteen of the Clock.

14.30 hrs.

The Lok Sabha re-assembled after Lunch at Thirty Minutes past Fourteen of the Clock.

(Mr Speaker *in the Chair*)

RE: CAUVERY WATER ISSUE

[English]

SHRI S BANGARAPPA (Shimoga) : Mr Speaker, Sir, I seek your king permission to raise a very important and urgent metter of public importance relating to the Cauvery issue. I would not like to take much of the time of the House. You may just allow me either under your residuary powers or under some other rules because the matter is so urgent If you permit us to raise this matter in the next week, then it will lose all its importance.

MR. SPEAKER : Okay. Mr. Bangarappa, I am allowing you since I promised to you yesterday. This morning, it skipped my mind because we could not have the Zero Hour. As a special case I am allowing you, but please be brief.

SHRI S BANGARAPPA : Sir, I thank you for the same

DR K.P RAMALINGAM (Tiruchengode) Sir, kindly allow me also

SHRI S BANGARAPPA Mr Speaker, Sir, the matter relates to the Cauvery waters dispute. I would not like to say anything about the matter that is pending before the judicial authorities like the Supreme Court or the Tribunal constituted under the Inter-State Water Disputes Act 1956 I am confining myself to two or three aspects only This is a matter that has to be settled amicably through mutual negotiations That was the unanimous stand of all the political parties which was adopted through a unanimous resolution passed by both Houses of the Karnataka State Legislature. We expect the same thing from the other lower riparian States like Tamil Nadu and Pondicherry

Sir, I am not against any of the States' share or the people there. It is not my concern. Four States are party to this dispute. Kerala, to some extent, and Karnataka form part of the upper riparian region and Tamil Nadu and Pondicherry fall under the lower riparian region. Now, I am not drawing your kind attention to the full details of the matter at all. I am confining myself to Two or three metters only. One is, this matter can be taken up only after the National Water Policy is completely finalised by the Government of India. Already, a decision was taken by the previous Government headed by Shri P.V. Narasimha Rao. They had called the concerned State Governments for discussions and all these things have been gone into. The point is that till the National Water Policy is finalised, this matter should not be taken up because this matter will not be pertaining only to the Cauvery basin or something like that. There are so many basins all along the country and the matter relates to all of them. If one principle is adopted in repect of Cauvery basin by the Government of India, then in respect of other basin States, they cannot adopt the same principle. So, all those things have to be taken into account before this issue is taken up.

Now, this matter has engaged the attention of the Government of India and it is seriously thinking about it. I know that the hon. Prime Minister is also very seriously thinking on this subject because when he was the Chief Minister of Karnataka, he felt that till the National Water Policy is evolved, guidelines are prepared and adopted by all the concerned States, including the approval of the Government of India, this matter should not be taken up and till then the petitions pending before the Tribunal constituted under the Inter-State Water Disputes Act might be stayed. That is the stand of the Karnataka Government When Shri P.V Narasimha Rao was there, at that time, on the application made by Tamil Nadu and Pondicherry Governments, a direction was given by the Supreme Court to the Government of India, to Shri P.V Narasimha Rao's Government, saying that the Government should intervene and call the concerned States to see that the temporary order passed by the Tribunal constituted under the Act was adhered to or something like that. Shri H D Deve Gowdaji when he was the Chief Minister of Karnataka State, ordered the release of five TMC of water and accordingly that water was released Tamil Nadu has asked for more water I am not trying to find fault with that argument The point is this. Now another five TMC of water is again released by the present Government of Karnataka State

In the catchment area, we have got four reservoirs in the basin. We have got sufficient water in the catchment area. We do not have sufficient water in our reservoirs. We cannot supply water to

the adjacent areas. When we do not have that much of water, where is the question of releasing this amount of water? That is the point. Five TMC of water is again released already by the State Government of Karnataka. It is left to them I am not interfering. But the point is, it has been done at the instance of or on the direction given by the Government of India, that too by the Prime Minister, Shri H.D. Deve Gowdaji Here is the crux of the whole matter. The entire matter hinges upon this point. Previously there was a direction by the Supreme Court to the then Government headed by Shri P.V. Narasimha Rao to do so But now in the absence of such a direction by any court of law, where was the necessity for the Government of India to give a direction to State Government of Karnataka to release certain quantity of water? I would like to know whether Government has such a direction from the Supreme Court or not That is number one From the press reports, I do not have any information I do not have any source of Information Therefore, I would like to know the exact position in the matter The Prime Minister should give all the information He should give a proper reply to the question as to why the Karnataka Government was asked by the Government of India to release this much of water Now agitation is going on

MR SPEAKER Please conclude now

SHRI S BANGARAPPA Agitation is going on in cities like Mandya Bangalore and others That is why I requested you on a number of occasions to permit us to raise this issue Since you have permitted us to raise this issue, through you I appeal to Government Shri Ram Vilas Paswanji is sitting here I think he is ready with some kind of answer But anyway, we would like to have a reply today I am not holding the House to ransom You may not be knowing the exact position of the situation on hand Therefore, I request the Government to make a reply today only since the agitation is going on there Both the Houses in Karnataka are not, in fact properly working at all Yesterday also no transaction has taken place in the State Therefore, I appeal through you that Government should come out with a statement on the subject The Hon Prime Minister, Shri H D Deve Gowdaji is coming now and I expect a reply from his side also

SHRI ANANT KUMAR (Bangalore South) Sir, according to the statistics provided by Karnataka Government on 1-7-96, out of 175 taluks in Karnataka, in 27 taluks, there has been very less rainfall. In 126 taluks, there has been noainfall at all This is the situation in Karnataka The Karnataka State is reeling under severe drough situation The total river water available in Cauvery river basin reservoirs is only 23 218 TMC feet of water Our hon Prime Minister Shri H.D. Deve Gowdaji has been the Irrigation Minister He has been the PWD Minister of Karnataka. He was the Leader of the Opposition in the Karnataka Assembly He has fought many battles for the sake of Cauvery water But when the reservoir's water capacity is only 23 TMC feet, the total water requirement for July, 96 of Karnataka is 24 TMC of water. Therefore, the entire Southern Karnataka and Bangalore city are short of drinking water. It is reeling under severe scarcity of water. When that is the situation, the Janata Dal Government in Karnataka has released 5 tmcft of water *suo motu* and according to our information this water has been released not according to the Supreme Court's decision. This water has been released not because of the Tribunal Award This water has been released at the instance of the Hon Prime Minister Therefore, we want to know through you, what made the hon Prime Minister give this instruction to the State Government of Karnataka There have been serious doubts in the minds of the people of Karnataka *(Interruptions)*

MR SPEAKER : Please conclude After this the Resolution on Jammu & Kashmir has to be taken up

SHRI ANANT KUMAR As I said, there have been serious doubts in the minds of the people of Karnataka that for political reasons, for maintaining the U F. alliance the hon Prime Minister has given the instructions to the Janata Dal Government in Karnataka, to the Chief Minister Shri J H Patel to release 5 tmcft of water

MR SPEAKER Please follow Shri Bangarappa by giving constructive suggestions only

SHRI ANANT KUMAR I would like to quote the debate of 5 4 1992 The hon Prime Minister was a Member of this House at that time and he said this

MR SPEAKER It is not a full debate I cannot allow a debate on this You wanted to raise a matter of concern. You have raised it We are not on a debate on this issue.

SHRI ANANT KUMAR Sir I am concluding now He said on 5 4 1992 and I quote .

> "The Award of the Tribunal is the death sentence for the people of Karnataka"

Therefore, I demand only three things, through you, Sir First of all, the former Prime Minister, Shri P V Narasimha Rao, has promised that the National River Water Policy would be enunciated and till the National River Water Policy was enunciated, the proceedings of the Cauvery Water Disputes Tribunal would be stalled, after that, there would be *pro rata* distribution of water to these States *(Interruptions)*

MR SPEAKER You are converting it into a debate I am very sorry Please do not take undue advantage of my leniency.

SHRI ANANT KUMAR : I request the hon. Prime Minister to give a reply to this.. *(Interruptions)*

SHRI V DHANANJAYA KUMAR (Mangalore) . Sir, at the outset, I would like to assure my friends from Tamil Nadu that we have nothing against Tamil Nadu Now, only the political tinge of it will have to be understood. Our dear Prime Minister is sitting pretty here The whole situation is aggravated. I am very sorry to say - have to use these very harsh words - that the stealthy way in which they released 5 tmcft of water from the reservoir to Tamil Nadu has aggravated the whole situation

Now, Sir, a peculiar situation has arisen The Chairman of the Tribunal has resigned The Tribunal is not functioning. As has been suggested by the friends from Tamil Nadu nothing is pending before the Supreme Court It is only the Chief Minister of Tamil Nadu who says . "We are going to file an application in the Supreme Court "Nothing is pending before the Court Today the standing crops are withering The entire sowing operations are delayed because of the drought-like situation in the whole of Karnataka I must, with a heavy heart today say on behalf of the people of Karnataka that *(Interruptions)**

THE MINISTER OF SURFACE TRANSPORT (SHRI T G VENKATARAMAN) There is a Tribunal Order You cannot violate it Do not mislead the House We cannot keep quiet. You should withdraw it *(Interruptions)*

SHRI V DHANANJAYA KUMAR I have nothing against you I would like to make one point *(Interruptions)*

MR SPEAKER I will go through the records You cannot make this kind of a remark It will not go on record

(Interruptions)

SHRI V DHANANJAYA KUMAR I am going to make one submission *(Interruptions)*

MR SPEAKER That is enough No more

(Interruptions)

MR SPEAKER This is not the way

(Interruptions)

SHRI V DHANANJAYA KUMAR This is a constructive suggestion *(Interruptions)*

MR SPEAKER I just wanted to fulfil my commitment given to Shri Bangarappa No more now I think the Prime Minister wants to speak

(Interruptions)

SHRI V DHANANJAYA KUMAR , would like to tell the Prime Minister that the people of Karnataka will never pardon him *(Interruptions)*

* Not recorded

THE PRIME MINISTER (SHRI H.D. DEVE GOWDA) : Respected Speaker, Sir, first of all, I would request for you kind permission to say that in these sensitive matters normally it is not proper on the part of the Prime Minister to inervene. But the issue has been raised with a political motivation. There is nothing beyond that. I know under what circumstances this issue has been raised . *(Interruptions)*

SHRI V DHANANJAYA KUMAR : Water is released *(Interruptions)*

MR. SPEAKER No, no, you listen to the Prime Minister. Let the Prime Minister speak. Let him complete

(Interruptions)

MR SPEAKER : It is not fair You have had your say Please listen to the Prime Minister

(Interruptions)

MR SPEAKER Nothing will go record

*(Interruptions)**

MR SPEAKER That is not the way to behave Think of your future Do not be trimmy This is not the way

(Interruptions)

SHRI H D DEVE GOWDA With you kind permission, I would like to clarify the position First of all, the Government of India has not given any instructions to anybody, to any State That is the first thing Secondly, the matter is before the Supreme Court The Tamil Nadu Government has filed a Writ of Mandamus to request the Supreme Court to issue directions to release water according to the Interim Award given by the Cauvery Tribunal *(Interruptions)*

SHRI V DHANANJAYA KUMAR I am sorry, the Prime Minister is misleading the House *(Interruptions)*

MR SPEAKER Nothing will go on record

*(Interruptions)**

MR SPEAKER If the Prime Minister is misleading the House, you have other options open to you You cannot do it now here

(Interruptions)

SHRI H D DEVE GOWDA Even the Supreme Court the day before yesterday adjourned the case for some other date - I do not know exactly because the matter was raised - either to 22nd or 24th, that is to next week The matter is again going to come up before the Supreme Court This is the first information What I know, I am bringing to the knowledge of the House I tell you very frankly that

* Not recorded

on the Interim Award which was given by the Tribunal, the Karnataka Government has reacted about the effect or adverse impact of the Interim Award. But ultimately, the Government of India has published that Interim Award. I do not want to again narrate the entire story of what all happened previously. I do not want to do that. There is no use. It has already been notified by the Government of India which we all had protested. That is a different matter. Shri Bangarappa as the Chief Minister had passed an Act. That has also been struck down. That is also a different matter.

But I would like to make myself clear. It is not the question of mere a political compulsion that has made me to intervene. No. My stand - as the then Chief Minister of Karnataka's stands is that from the beginning we wanted to sort out this problem through negotiations, mutual discussions. As a Prime Minister I have not given any direction because the matter is now between the concerned States. They are fighting their battle before the Supreme Court and before the Tribunal. That is the correct position.

Sir, I would like to again assure this House that there is no direction from the Government of India. That is number one.

If the State Governments want to sort out this problem through negotiations and through mutual discussions, we do not come in the way. Let me be very plain on this issue. We do not want to create any problem. We do not want to create any type of hindrance if the concerned States want to come to an understand across the table. If they want to mutually discuss and decide and if at all the Government of India wants to cooperate we are prepared to extend them full cooperation.

Number two, not from today, even before the constitution of the Tribunal, the State Government of Karnataka as well as the State Government of Tamil Nadu had Several sittings to sort out the problem across the table through mutual discussion. But unfortunately, how the events developed to force the Tribunal to be consituted, is a past now. But sincere efforts were made from both the States. Both the Chief Ministers tried. Sincere efforts were made to sort out this problem amicably by mutual discussion. At the same time, I would like to assure through this House that the Farmers of both Karnataka as well as Tamil Nadu whether in the deficit years or good years, we can have any quantum of water. In 1992, 1993 and 1994 there was no problem at all. There was abundant water in the Cauvery basin. Shri Bangarappa was the Chief Minister for two years. While he was the Chief Minister for two years there was no quarrel. Last year there was shortfall of rain. Of course, the standing crops on both sides were to be saved. If the Supreme Court gave direction to the former Prime Minister to intervene and to see that a decision should be taken in consultation with both the States, all political leaders should be summoned to take their views, find out a solution where the Government of India can give a decision to save the standing crop of Tamil Nadu as well as Karnataka.

SHRI V. DHANANJAYA KUMAR. This time there is no direction. *(Interruptions)*

SHRI E. AHAMED. How the Prime Minister last time intervened? It is not on his own. *(Interruptions)*

SHRI V. DHANANJAYA KUMAR. Now you are preparing grounds. *(Interruptions)*

SHRI E. AHAMED. The Prime Minister intervened. *(Interruptions)*

SHRI V. DHANANJAYA KUMAR. This is nothing but political. Mr. Ahamed, You will not understand it. *(Interruptions)* Now the Prime Minister is preparing to sacrifice the State's interests just to save. *(Interruptions)* This is an internal conflict. *(Interruptions)*

MR. SPEAKER. Please listen to the Prime Minister. You cannot interrupt like that.

(Interruptions)

SHRI V. DHANANJAYA KUMAR. Mr. Ahamed does not understand it. *(Interruptions)*

MR. SPEAKER. Please listen to the Prime Minister.

(Interruptions)

SHRI H. D. DEVE GOWDA. The former Chief Minister Mr. Bangarappa is here. Is it not at the instance of the Supreme Court? The former Prime Minister intervened or not, let him tell. He is the person who has raised this issue. Let him clarify whether the former Prime Minister has intervened on his own or on the direction of the Supreme Court. When the Supreme Court had issued the direction then on the basis of the direction of the Supreme Court the former Prime Minister called both the State leaders, not only the Chief Minister but leaders of all political parties and he heard them. In that delegation Mr. Bangarappa was also there. The BJP leader Mr. Yediyurappa, Leader of the Opposition was also there. Both the sides had submitted their cases. The Prime Minister appointed an expert committee and that expert committee after visiting both the States and after studying the crop condition gave a decision to release some quantum of water. That is only pertaining to 11 TMC of water ordered by the Tribunal. With regard to that limited scope the Supreme Court had issued the direction for the intervention of the then Prime Minister. *(Interruptions)*

MR. SPEAKER : Please to not interrupt. You are very lucky that the Prime Minister is responding to you.

SHRI S. BANGARAPPA : It was a temporary order of the Tribunal relating to 11 TMC of water.

SHRI H.D. DEVE GOWDA : Only 11 TMC of water. That is all what I am saying. I have not said anything beyond that.

SHRI ANANT KUMAR : I request the Prime Minister to yield for a minute.

MR. SPEAKER : No. Please sit down. He is not yielding.

SHRI H.D. DEVE GOWDA : They have said that I have directed the State to release 5 TMC of water at the cost of Karnataka and 'let him go'. I have faced a many challenges. Do not be under that impression. I am a man coming from the Cauvery Basin...*(Interruptions)* Do not bother about all these things. I want to see that the farmers of both the States in good years will have the maximum amount of water and in bad years share the difficulties and distress. I do not want to go beyond this.

Even the Karnataka Chief Minister said that this month they must release 40 TMC water according to the interim award of the Tribunal, but there is no water in the reservoir. I told my colleagues, not only my colleagues, but also to the members of the delegation which came and approached me that there is no bar in visiting the dam. I requested them to personally go and see for themselves. There is no question of mixing politics here. As a sort of sharing whatever difficulties are there between the two States, the Karnataka Chief Minister has taken the decision to release 5 TMC of water because there is no water in the reservoir. Just because all the regional parties are with me, there is no need to mix politics. *(Interruptions)* I can understand why this matter was raised. I will tell you very frankly. I will assure one thing. There is no question of any injustice to anybody. We will try our level best to see that the matter is sorted out amicably.

14.58 hrs.

CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) BILL

[English]

MR. SPEAKER : Now Bill to be introduced Shri Balwant Singh Ramoowalia

DR. JAYANTA RONGPI (Assam) *rose-*

MR. SPEAKER : Yes, you tell me

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA) : I think he wants to raise an objection to the introduction of the Bill. But I have not yet sought leave to introduce the Bill. Let me move for leave to introduce the Bill and then he can raise the objection.

MR. SPEAKER : He is opposing the introduction of the Bill. So, you can ask for leave first.

SHRI BALWANT SINGH RAMOOWALIA : I beg to move for leave to introduce a Bill to provide for the inclusion of Koch-Rajbongshi in the list of Scheduled Tribes specified in relation to the State of Assam.

MR. SPEAKER : Motion moved :

> "That leave be granted to introduce a Bill to provide for the inclusion of Koch-Rajbongshi in the list of Scheduled Tribes specified in relation to the State of Assam."

15.00 hrs.

DR. JAYANTA RONGPI (Autonomous District) : Mr. Speaker, Sir, with your permission, I rise here today to appeal to the Government and to the entire House to save Assam from the impending crisis, or rather, a very serious situation, if this particular Bill is introduced, considered and passed.

I am not sure whether the major Opposition parties or other big Parties have gone through the details of the Bill or they are aware of the implications of this Bill so far as Assam and North-East are concerned. Therefore, I think, it is my humble responsibility to apprise the House of the implications of this particular Bill so far as Assam is concerned.

MR. SPEAKER : Dr. Rongpi, at this stage, we cannot go into the merits of the Bill. We cannot go into the goodness or badness of the Bill at this point of time. You have to only point out whether this Parliament is competent to legislate it or not. That is the limited question you have to address. All the points that you are making now, that you intend to make now, will come at the time of discussion on the Bill. Whether Parliament is competent to pass the legislation is the only limited question at this stage.

DR. JAYANTA RONGPI : Mr. Speaker, Sir, I am aware of the procedure, but here, I want to point out that in the way the Bill has been introduced, there is a procedural problem.

MR. SPEAKER : You can point that out at the time of the debate. You can ask the Government to modify it, you can bring amendments, and you can ask the Government to withdraw the Bill. At point of time, it is only a question of competence of Parliament to

(Interruptions)